

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

KARL THOMAS, an individual,

Plaintiff,

vs.

SANDERS COUNTY SHERIFF'S  
DEPARTMENT, a municipal  
corporation, LAURIE HINES, an  
individual, and ROBERT T. DAY, an  
individual,

Defendants.

CV 24-58-M-DLC-KLD

NUNC PRO TUNC  
ORDER<sup>1</sup>

On December 12, 2024, the Court issued an order denying Plaintiff Karl Thomas's motion for leave to serve Defendant Laurie Hines by mail, without prejudice to refile the motion at a later date. (Doc. 33). As of the date of this order, Plaintiff has not filed a new motion or made any other filings related to accomplishing service on Hines.

In the same order, the Court also found that Plaintiff had not effected service on Defendant Robert Day in compliance with Mont. R. Civ. P. 4(e) by either "delivering a copy of the summons and complaint to the individual personally" or by "delivering a copy of the summons and complaint to an agent authorized by

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<sup>1</sup> This Nunc Pro Tunc Order is entered to correctly reflect that Robert T. Day, not William T. Day, is the named Defendant.

appointment or law to receive service of process.” (Doc. 33). *See* Fed. R. Civ. P. 4(e)(1) (permitting service on an individual in compliance with state law). The Court gave Plaintiff until February 28, 2025, to effect service on Day. (Doc. 33).

On March 3, 2025, Plaintiff filed a “Return of Service, Sanders County Sheriff’s Office” (Doc. 37) that appears to comply with Mont. R. Civ. P. 4(e) and 4(r)(1)(A). (Doc. 37). As of the date of this order, Day has not entered an appearance in the case and there have been no other filings related to Day.

Accordingly,

IT IS ORDERED that:

(1) Plaintiff shall have until April 16, 2025, to file a renewed motion for leave to serve Hines by mail. If Plaintiff does not file a renewed motion on or before April 16, 2025, the Court will recommend that Plaintiff’s claims against Hines be dismissed without prejudice pursuant to Fed. R. Civ. P. 4(m) for failure to effect timely service and/or pursuant to Rule 41(b) for failure to comply with the Court’s orders.

(2) On or before April 16, 2025, Plaintiff shall file a status report as to the status of the litigation against Day.

DATED this 3rd day of April, 2025.



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Kathleen L. DeSoto  
United States Magistrate Judge